



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BARDEN et al.

Title: MEANS AND METHODS FOR DIAGNOSING AND TREATING
AFFECTIVE DISORDERS

Appl. No.: 10/825,593

Filing Date: April 16, 2004

Examiner: Michael D. PAK

Art Unit: 1646

RESPONSE TO NON-RESPONSIVE AMENDMENT

In response to the Notice of Non-Responsive Amendment mailed on July 26, 2007, please consider the following remarks and amend the above-captioned application as follows:

In the March 1, 2007 Office Communication, the Examiner requested the election of one compound member of claims 37-42 which relate to P2X7R modulators. In response to the Restriction Requirement filed on April 16, 2007 and in accordance with the Examiner's request, Applicants duly elected a P2X7R agonist as specifically defined in Claim 37, with traverse.

I. Election/Restriction of a Specific Compound

In the July 26, 2007 Office Communication, the Examiner requested that the Applicants elect a specific compound of agonist.

Accordingly, Applicants elects 3-substituted-2-oxindole-1-carboxamides of Claim 37, with traverse.

Claims 38-41 are Markush-type claims reciting alternatives in a format such as "selected from the group consisting of A, B, and C". MPEP § 803.02 states:

A Markush-type claim recites alternatives in format such as "selected from the group consisting of A, B and C." See Ex parte Markush, 1925 C.D. 126 (Comm'r Pat. 1925). The members of the Markush group (A, B, and C in the